

## **SUPPORTING STATEMENT A FOR PAPERWORK REDUCTION ACT SUBMISSION**

### **Eagle Permits and Fees, 50 CFR 22 OMB Control Number 1018-0167**

**Terms of Clearance:** OMB approved all information collection requirements associated with the migratory birds and eagles under OMB Control No. 1018-0022, “Federal Fish and Wildlife Permit Applications and Reports—Migratory Birds; 50 CFR 10, 13, 20, 21.” We request approval to reinstate OMB Control No. 1018-0167, “Eagle Take Permits and Fees, 50 CFR 22” in order to transfer all requirements associated with eagles back into that collection. Separation of eagle requirements from migratory bird requirements will reduce confusion and burden on the public. We will submit this reinstatement request concurrently with the revision to 1018-0022.

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Bald and Golden Eagle Protection Act (Eagle Act; 16 U.S.C. 668-668d) prohibits possession and take of bald eagles and golden eagles except pursuant to Federal regulations. The Eagle Act regulations at Title 50, part 22 of the Code of Federal Regulations (CFR), define the “take” of an eagle to include the following broad range of actions: “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb.” The Eagle Act allows the Secretary of the Interior to authorize certain otherwise prohibited activities through regulations and permits.

Regulations at 50 CFR §22 provide for permits to possess and/or take bald eagles and golden eagles or their parts for particular purposes provided for in the Eagle Act. Permit application forms gather information necessary for the Service to evaluate whether the applicant meets Eagle Act criteria for taking or possessing eagles or their parts. Reporting requirements enable the Service to verify the permitted activity remains in compliance with permit terms and conditions, and that the permit program overall is compatible with the Eagle Act’s eagle preservation standard.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

The information that we collect on applications and reports is the minimum necessary for us to determine if the applicant meets/continues to meet issuance requirements for the particular activity and that any permit issued is consistent with the Service’s population goals for bald and golden eagles.

#### ***APPLICATIONS***

Respondents submit application forms periodically, as necessary. All Service permit applications are in the 3-200 series of forms, each tailored to a specific activity based on the requirements for specific types of permits. We collect standard identifier information for all permits, such as the name of the applicant and the applicant’s address, telephone and fax

numbers, tax identification number (for businesses), email address, and fee-exempt status. Standardizing general information common to the application forms makes filing of applications easier for the public as well as expedites our review of applications.

***Form 3-200-14, “Eagle Exhibition”*** – This form is used to apply for a permit to possess and use eagles and eagle specimens for educational purposes. The information collected via the form enables the Service to determine that the eagles are legally acquired and will be used for bona fide conservation education, and in the case of live eagles, will be housed and handled under safe and healthy conditions. Information collected via the form includes type of eagle(s) or eagle specimens; status of other required authorizations (state, local, tribal); description of the programs that will be offered and how the eagles will be displayed; experience of handlers; and information about enclosures, diet, and enrichment for the eagles.

***Form 3-200-15a, “Eagle Parts for Native American Religious Purposes”*** – This application form is used by enrolled members of federally recognized tribes to provide them authorization to acquire and possess eagle feathers and parts from the Service’s National Eagle Repository (NER). The permittee also uses the form make additional requests for eagle parts and feathers from the NER. The Service uses the information collected via the form to verify that the applicant is an enrolled member of a federally recognized tribe, and what parts and/or feathers the applicant is requesting. Information collected via the form includes name of the tribe; tribal enrollment number of the individual applicant; a signed Certification of Enrollment; inmate specific information in cases where applicants are incarcerated (inmate number, institution, contact information for the institute’s chaplain); and the specific eagle parts and/or feathers desired by the applicant.

***Form 3-200-16, “Take of Depredating Eagles & Eagles that Pose a Risk to Human or Eagle Health or Safety – Annual Report”*** – Applicants use this form to obtain authorization to take (trap, collect, haze) eagles that depredate on wildlife or livestock, as well as eagles situated where they pose a threat to human or their own safety. The form allows the Service to determine the take is necessary to protect the interest; other alternatives have been considered; and the method of take is humane and compatible with the preservation of eagles. Information collected via the form includes the status of other required authorizations (state, local, tribal); the species and estimated number of eagles causing the problem; what the damage or risk consists of; location; method of take; alternatives taken that were not effective; and a description of the proposed long-term remedy.

***Form 3-200-18, “Take of Golden Eagle Nests During Resource Development or Recovery”*** – This application is used by commercial entities engaged in resource development or recovery operations, such as mining or drilling to obtain authorization to remove or destroy golden eagle nests. The Service uses the information provided via the form to determine that the take is necessary and will be compatible with the preservation of eagles. Information obtained via the form includes the location of the property; the status of other required authorizations; the type of development or recovery operation; the number of nests to be taken; the activity that involves the take of the nest; the disposition of the nests once removed (or destroyed); the duration for which the authorization is requested; and a description of the mitigation measures that will be implemented.

**Form 3-200-71, “Eagle Take Associated With but Not the Purpose of an Activity (Incidental Take)”** – Applicants use this form to obtain authorization to take eagles incidental to another activity. Information obtained via the form is used by the Service to determine that the take is necessary and compatible with the preservation of eagles. The form asks for the following information: requested permit duration; description of the activity that will incidentally take eagles; justification for why the take is necessary; location; description of eagle activity in the area and location and history of eagle use of known nests, foraging areas, and roost sites; factors that may contribute to disturbance of eagles (if applicable); measures to minimize impacts to eagles; and names of persons that may be carrying out the activity that will incidentally take eagles.

**Form 3-200-72, “Eagle Nest Take”** – This application is used to obtain authorization to remove or destroy bald or golden eagles nests for health and safety and under other limited circumstances. The Service uses the information obtained via the form to determine that the take is necessary and compatible with the preservation of eagles. Information collected via the form includes, number and status (alternate or in-use) of nests, species of eagle; justification for the take of the nest; location and description of the activity around the nest; known information about eagle use of the nest; description of how the nest will be taken; measures taken to reduce impacts to eagles; names and addresses of persons taking the nest; and names of Service personnel who provided assistance.

**Form 3-200-77, “Native American Eagle Take for Religious Purposes”** – Federally recognized Native American tribes use this form to apply for authorization to take eagles from the wild for tribal religious purposes. Information obtained via the form allows the Service to determine the take is necessary to meet the tribe’s religious needs and has the consent of the landowner, the take is compatible with the preservation of eagles, and any eagles kept alive will be held under humane conditions. The form asks for the following information: status of other required authorizations; location of proposed take; statement of consent by the land owner or land manager if not on tribal land; species, number, and age class of eagles; whether the eagles will be collected alive and held in captivity; intended disposition of parts and feathers; and the reason why eagles obtained by other means do not meet the tribe’s religious needs.

**Form 3-200-78, “Native American Tribal Eagle Aviary”** – Federally recognized Native American tribes use this form to apply for authorization to keep live eagles for tribal religious purposes. The Service uses the information collected via the form to ensure the tribe has the appropriate facilities and experience to safely and humanely keep live eagles. The information collected by the form includes descriptions, photographs and/or diagrams of the enclosures where the eagles will be housed, and number of eagles that will be kept in each; status of other required authorizations; names and eagle-handling experience of caretakers; veterinarian who will provide medical care; and description of diet and enrichment the tribe will provide the eagles.

**Form 3-200-82, “Bald Eagle or Golden Eagle Transport into the United States for Scientific or Exhibition Purposes”** – This application is used by researchers and museums to obtain authorization to temporarily bring eagle specimens into, or take such specimens out of, the United States. The Services uses the information collected via the form to ensure the specimens were legally acquired will be transported through U.S.

ports that can legally authorize the transport, the transport will be temporary, as required by statute, and the specimens will be used for purposes authorized by statute. The form collects the following information: documentation that specimen was legally obtained; documentation that the applicant meets the definition of a “public” institution as required under statute; status of other required authorizations (state, local, tribal); description of the specimen(s); country of origin; name of and contact information for the foreign institution; scientific or exhibition purposes for the transport of specimens; locations where item will be exhibited (if applicable); dates and ports of departure/arrival; and names of persons acting as agents for the applicant.

### **REPORTING REQUIREMENTS**

Submission of reports is generally on an annual basis, although some are dependent on specific transactions. Additional monitoring and report requirements exist for permits issued under 50 CFR 22.26 and 22.27. Permittees must submit an annual report for every year the permit is valid and for up to 3 years after the activity is completed. The following FWS forms are used in conjunction with reporting requirements associated with eagles:

#### ***Form 3-202-11, “Take of Depredating Eagles & Eagles that Pose a Risk to Human or Eagle Health or Safety – Annual Report”***

Permittees use this form to report the outcome of their action involving take of depredating eagles or eagles that pose a risk to human or eagle health or safety. The service uses the information reported to ascertain that the planned take was implemented, track how much authorized take occurred in the eagle management unit and local population area, and verify the disposition of any eagles taken under the permit. Information collected via Form 3-202-11 includes species, location, date of take, number of eagles, method of take, and final disposition.

#### ***Form 3-202-13, “Eagle Exhibition – Annual Report”***

The Service uses the information reported through this form to verify that eagles held under the permit are used for the purposes of the permit: conservation education. Information collected via Form 3-202-13 includes: list of eagles and eagle specimens held under the permit during the reporting year, and for each, date acquired or disposed of; from whom acquired or to whom transferred; total number of programs each eagles was used in, or if statically displayed, such as in a museum setting, the number of days the facility was open to the public.

#### ***Form 3-202-14, “Native American Tribal Eagle Aviary – Annual Report”***

The Service uses the information collected via the form to track the live eagles held by federally recognized tribes for spiritual and cultural practices. Information collected via Form 3-202-14 includes a list of eagles held under the permit during the reporting year, and for each, date acquired or disposed of; from whom acquired or to whom transferred;

#### ***Form 3-202-15, “Eagle Incidental Take (50 CFR 22.26 – Annual Report”***

Recipients of §22.26 permits use FWS Form 3-202-15 to meet the reporting requirements at 22.26(c)(3). The service uses the information reported to ascertain that the anticipated take occurred, track how much authorized take occurred in the eagle management unit and local population area, evaluate the effectiveness of measures to minimize and mitigate impacts to eagles; and, for long-term incidental take permits, to update authorized take and mitigation levels. The permittee is required to submit this form regardless of whether any take occurred (i.e. report no take). Permittees

authorized to take eagles in the form of disturbance fill out section A, which gathers data on the monitoring conducted by the permittee to assess impacts to eagles, including: date; time of day; number of eagles; observed behavior; a description of the human activity that was taking place at the time the eagles were observed; and whether any young were fledged during the breeding season.

Part B of 3-202-15 instructs permittees authorized to incidentally kill or injure eagles to use the Service's online reporting system, which collects the following information: location where the eagle was found; species, age, and sex of eagle; condition (live or dead); how the eagles was found (e.g., during surveys, opportunistically, etc.); date of discovery; whether samples were taken; whether the injury/mortality event was seen; and suspected cause.

***Form 3-202-16, "Eagle Nest Take (50 CFR 22.27) – Annual Report"***

The Service uses the information submitted via the form to track whether the authorized take occurred; when it occurred; disposition of the nest; of the nest was occupied, the disposition of the eggs or chicks; and the conservation measures being implemented to mitigate for the take. Information collected via Form 3-202-16 includes species; date of nest take; location; disposition of eggs or chicks (occupied nests); disposition of nest; and mitigation measures.

***EAGLE RECOVERY TAG (FWS Form 3-2480)***

The form is used to track dead eagles as they move through the process of laboratory examination to determine cause of death and are sent to the National Eagle Repository for distribution to Native Americans for use in religious ceremonies. This information is needed to maintain chain of custody for law enforcement and scientific purposes. Information collected via Form 3-2480 includes: USGS band data; unique ID number assigned; mortality date; species, age, and sex of the eagle; date recovered; and name of person(s) who found and recovered the eagle; and names and contact information of persons who received the eagle throughout the chain of custody.

***MONITORING REQUIREMENTS***

Most permits that authorize take of eagles or eagle nests require monitoring. We do not require monitoring for intentional take such as when Native American tribes take an eagle as part of a religious ceremony or when falconers trap golden eagles that are depredating on livestock. A fundamental purpose of monitoring under take permits is to track levels of take for population management. For disturbance permits, monitoring also provides information about whether the permitted activity actually disturbed eagles, allowing the Service to better understand when these types of permits may not be needed. In addition to tracking take at population management scales, the Service uses data from monitoring lethal take permits to adjust authorized take levels, compensatory mitigation requirements, and conservation measures as spelled out under the terms of the permit. With regard to wind industry permits, these data also enable the Service to improve future fatality estimates through enhanced understanding of exposure and collision.

For wind facilities not yet constructed, applicants are required to conduct pre-construction surveys. The pre-construction surveys used to estimate the likely number of eagles that will be taken by the project and to determine any required compensatory mitigation for the first few years of the permit. As described above, the Service then uses the data from operational project monitoring to adjust authorized take levels and mitigation measures.

### **REQUIRED NOTIFICATIONS**

Most permits that authorize take or possession of eagles require a timely notification to the Service by email or phone when an eagle possessed under a possession permit or taken under a permit to take eagles dies or is found dead. These fatalities are later recorded in reports submitted to the Service as described above. The timely notifications allow the Service to better track take and possession levels, and to ensure eagle remains are sent to either a forensics lab or the NER. Incidental take permittees are also required to notify the Service via email or phone if a threatened or endangered species is found in the vicinity of the permitted activity. There is no notification requirement for that beyond reporting each occurrence where take is discovered to have occurred. The Service tracks whether the take level is exceeded or is likely to be exceeded.

### **PERMIT REVIEWS**

Under the final regulations, for every 5-year period the permit is in effect, long-term eagle incidental take permittees are required to generate, and/or verify a report generated, from a database that the Service uses to track eagle take compiling the information entered into the Service's online injury and mortality tracking system and submit this information to the Service. Both the Service and permittees can enter mortalities into the database. Holders of incidental take permits are required to enter eagle fatalities into the database. This information is used to determine if adaptive management measures set forth in the permit should be implemented and whether authorized take levels and compensatory mitigation should be adjusted.

We use adaptive management in every long-term incidental take permit, and also to evolve the program. From the preamble to our final 2016 regulations: "The entire eagle incidental take program has been built around explicitly accounting for uncertainty and then being clear about how that uncertainty is addressed in decisions. Adaptive management is a process of adaptive learning, whereby: (1) Predictions are made regarding anticipated effects of an activity; (2) data regarding the outcomes of the activity are collected; (3) the predictions are updated to reflect the actual outcomes of the activity; and (4) the updated predictions are used to change the activity, either in the future at the same site or at other places where the same activity is being contemplated. The Service has described its adaptive management framework for eagle incidental take permits in the Eagle Conservation Plan Guidance (Appendix A), and in the preamble to this final rule. The overall framework is intended to account for, and over time to reduce, uncertainty in the effects of wind facility siting, design, and operations on eagles. More broadly than for just wind energy, the adaptive management process is also intended to address uncertainty in compensatory mitigation and the effects of established take rates on eagles. This uncertainty is reduced over time by using information collect on the actual outcomes of the activity to update the predictive models used initially to estimate those effects; over time, the accuracy and precision of the predictive models is improved through these updates." (81 FR 91514, Dec. 16, 2016) Also, see 81 FR 91501-91503.

### **RECORDKEEPING REQUIREMENTS**

As required by 50 CFR 13.46, permittees must keep records of the permitted activity as it relates to eagles and any data gathered through surveys and monitoring. This information retained by permittees is described above under reporting requirements.

### **AMENDMENTS**

Amendments to a permit may be requested by the permittee, or the Service may amend a permit for just cause upon a written finding of necessity. Amendments comprise changes to the permit authorization or conditions. Such changes may include an increase or decrease in the authorized take or possession of eagles, proposed adjustment of permit conditions, or changes to the activity involving eagles. The permit will specify circumstances under which modifications to avoidance, minimization, or compensatory mitigation measures or monitoring protocols will be required, which may include, but are not limited to: take levels, location of take, and/or changes in eagle use of the activity area. At a minimum, the permit must specify actions to be taken if take approaches or reaches the amount authorized and anticipated within a given time frame. The permittee applies for amendments to the permit by submitting a description of the modified activity and the changed conditions affecting eagles. Substantive amendments incur a processing fee. A permittee is not required to pay a processing fee for minor changes, such as the legal individual or business name or mailing address of the permittee. A permittee is required to notify the issuing office within 10 calendar days of such change.

### **TRANSFERS**

In general, permits issued under 50 CFR part 22 are not transferable. However, permits issued under 22.26 may be transferred by the transferee providing written assurances of sufficient funding the conservation measures and commitment to carry out the terms and conditions of the permit.

### **PROPOSED REVISIONS**

The Service previously used two forms to obtain information from tribal members seeking parts and feathers from the National Eagle Repository (NER). Tribal members used Form 3-200-15a to apply for the initial permit to acquire and possess such items and make the first request, and 3-200-15b was used to amend the permit and make subsequent requests. In 2015, the Service streamlined the permitting process by making the initial permit cover an unlimited number of items from the NER over the lifetime of the permittee, eliminating permit amendments. Form 3-200-15a is now used both to apply to the Migratory Bird Permit Office for the original permit and to make subsequent orders directly to the NER. As such, we are discontinuing FWS Form 3-200-15b.

#### ***New Permit Application and Report Form (FWS Forms 3-1552 and 3-1591)***

We are adding an application and report form for a new permit type: Native American Tribal Eagle Retention. This permit is issued to federally recognized tribes allowing them to retain (after proper notification and procedures) eagle remains found by a tribal member on their tribal lands.

***Form 3-1552 “Native American Tribal Eagle Retention”*** – The information collected via this application form allows the Service to identify which tribe is applying for the permit; provides tribal contact information, and informs the Service as to whether the tribe is applying before or subsequent to finding the first eagle they wish to retain, allowing the Service choose the appropriate course of action. The form asks for the following:

- Name of the tribe;
- Name and contact information for the tribal leader and primary contact person;

- Whether the tribe has already discovered an eagle to hold under the permit; and
- If different than what's listed for the primary contact, the address of thy physical location where records will be kept.

**Form 3-1591 “Tribal Eagle Retention – Acquisition Form”** – This form provides the Service information needed to track the chain of custody of eagle remains and ensure the tribe takes possession of them as authorized under the permit.

The first part of the form (completed by a Service Law Enforcement (OLE) Officer) collects:

- Species;
- Sex;
- Age class of eagle;
- Date and location discovered;
- Date information was entered into the Services online system to track eagle mortalities;
- Date the remains were transferred to tribe;
- Name and contact information for the tribe; and
- OLE officer name and contact information.

The second part of the form is completed by the tribe and collects:

- Permit number;
- Date the tribe took possession of the eagle; and
- Principal Tribal Officer's name, title, and contact information.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

Fillable PDF forms in this collection are currently available to applicants to be submitted in a few different manners. PDF forms are available on our forms and permits website (<https://www.fws.gov/forms>), by mail, or by fax. Applicants may complete the fillable application online, but must email the application to the regional office, or print and submit the application form with an electronic or original signature and submit the applicable processing fee by mail. Applicants may send supporting information by email or fax, if we already have their application and they are able to reference an application number.

ePermits – The Service is actively developing a new automated permit application system referred to as “ePermits.” The ePermits system will allow the agency to move towards a streamlined permitting process to more significantly reduce the information collection burden on the public, particularly small businesses. Public burden reduction is a priority for the Service; the Assistant Secretary for Fish, Wildlife, and Parks; and senior leadership at the Department of the Interior. The intent of the ePermits System is to fully automate the



permitting process to improve the customer experience and to reduce time burden on respondents. This new system will enhance the user experience by allowing users to enter data from any device that has Internet access, including personal computers, tablets, and smartphones. It will also link the permit applicant to the Pay.gov system for payment of any associated permit application fees.

Once the new ePermits System is in place, we anticipate a reduction in the amount of time necessary for an applicant to apply for a permit, and perform regular actions related to that permit (e.g., file amendments, renew permits, submitting associated reporting requirements). Through the ePermits account registration, we will track and be able to more accurately report the numbers of small business applicants, along with the type of business (for-profit, farm, not-for-profit). This information will allow the Service to be more responsive in identifying the possibility of additional burden reduction on small businesses.

We also plan to eliminate the necessity for physical mail-in applications and associated reporting requirements (though this will remain an option for those who either do not have access to the internet or prefer to submit forms manually), thus further reducing the burden on the public as well. With ePermits, an applicant will be able to establish an account, apply for multiple permits through a single interface, and track all their applications, permits and permit-related actions as well as all communications between Service staff and the permittee/applicant within the same interface, significantly reducing the burden on the government to process these applications and manage permit-related actions.

The Service anticipates the discontinuance of the paper-based versions of most of the high volume application and report forms after the ePermits System has been in full operation for at least 18-24 months. The elimination of paper-based forms is expected to reduce the government cost of administering and processing permit applications. Upon request, the Service will continue to accommodate requests for paper-based versions of any application or report form for respondents experiencing technological difficulties.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The information that we collect is unique to the applicant and is not available from any other source. We keep application and reporting information in office files to eliminate repeat or duplicate requests in the case of renewals, extensions, or repeat applications. We have developed an electronic permit issuance and tracking system that greatly improves retrieval of file information, therefore further reducing duplicate information requests for use in renewals, amendments, and repeat applications. Since only the Service may issue this type of permit and only for species under our jurisdiction, there is no duplication of other agencies efforts. Ongoing development of our permit issuance and tracking system will ensure that no duplication arises among Service offices.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The information requested on the application form is limited to the minimum necessary to establish eligibility and the information requested on the reporting forms is the minimum necessary to enable us to assess the effect of the permit program on eagles.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If we do not collect the information, or if we collect the information less frequently, we could not issue applicants permits since the collected information either is required to allow the Service to make issuance decisions, or is needed to make necessary biological and legal findings under applicable statutes and treaties. If we were not able to collect the information necessary to issue a permit, the public would not be able to lawfully conduct activities that involve collection, possession, or take of eagles. Furthermore, the timely submission of data on the effects to eagles of permitted activities enables the Service to track permitted activities to ensure the permit program remains compatible with the preservation of eagles.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- \* **requiring respondents to report information to the agency more often than quarterly;**
- \* **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- \* **requiring respondents to submit more than an original and two copies of any document;**
- \* **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- \* **in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- \* **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- \* **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- \* **requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Tribal permittees may utilize their permit to retain an unspecified number of eagles found by tribal members on the tribe's lands. Each time a tribal member finds an eagle and wishes to retain it, the tribe is required to notify the Service to allow the agency to ascertain the cause of death, information the Service uses to analyze factors affecting bald and golden eagle populations. If a tribe finds dead eagles frequently, they may need to report more than quarterly. Federal regulations governing fish and wildlife permits at 50 CFR §13.46 require permittees to maintain records for 5 years from the date of expiration of the permit.

Applicants for some eagle permits are required to submit data regarding their project that some in industry consider proprietary trade secrets. Applicants are asked to clearly identify any data they believe are of a proprietary nature. These data are stored on computers or in paper files. Computer access is controlled through 2-factor authentication and by industry standard firewalls and virus protection. Paper files are stored in access-controlled offices in locked file drawers. Individuals are required to submit personally identifiable information (PII). This information is

stored on computers and in paper files. The PII is entered into a System of Records that must meet federal standards for protection of such information. As with the industry data, access is controlled through 2-factor authentication as well as industry standard firewall and virus protection. Paper forms are stored in access-controlled offices in locked file drawers. Disclosures outside the Department of the Interior may be made if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003) or is otherwise required by law.

Other than these requirements, there are no special circumstances that would cause us to conduct this information collection in a manner inconsistent with OMB guidelines.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

On November 7, 2019, we published in the *Federal Register* (84 FR 60106) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on January 6, 2019. We received the following comments in response to that notice:

***Comment 1 – Comment received via November 20, 2019, email from Pimnunihus Cenname:***

“If there can be a faster, easier process for Indigineous-Native Americans, nation's, tribes, Pueblo's, villages, or descendants, families, Indian doctors,medicine (men, & or women). To aquire, recieve, or obtain, for personal use, spiritual, ceremonial purposes. then I feel there should be a way implemented.This is apart of the NATIVE American Freedom of Religion act 1978, as well as other federal laws, that pertain to such as mentioned above. More over there has been issues regarding these matters of possession, use, and conflicts that otherwise could have been avoided, through simple identification of tribe, family, etc. This is a problem Indigineous people should not have.”

***Agency Response to Comment 1:*** The Service and Department of the Interior have taken numerous actions to facilitate indigenous people's access to eagle and migratory bird feathers. Most recently, we have established a new tribal permit that allows tribes to

retain eagles found dead on tribal lands with appropriate notification to the Service to allow a determination of cause of death for purposes of improving eagle conservation. We have provided grants and permits to tribes to establish and operate live eagle aviaries, which provide feathers to tribal members for spiritual and ceremonial purposes. Under all types of eagle possession permits, permittees are required to send molted feathers, and eventually eagle remains, to the National Eagle Repository for distribution to tribal members. We also issue permits to facilities to receive, possess, and distribute feathers and remains of other migratory birds to members of federally recognized tribes. Additionally, we have an official enforcement policy that allows tribal members to possess parts and feathers of migratory birds without a permit (as long as the birds were not intentionally killed or obtained commercially). We continue to explore additional ways to enable indigenous people to obtain and use eagle and migratory birds for spiritual and ceremonial purposes in keeping with our responsibility to conserve healthy populations of eagles and migratory birds.

**Comment 2 – Comment received via December 30, 2019, email from Ellen Paul, Executive Director of the Ornithological Council:** The scientific and exhibition purposes permit issued under 50 CFR 22.21 (Form 3-200-14) for Bald Eagles and Golden Eagles has been problematic. The form is entitled “Eagle Exhibition” but the regulation covers both scientific research and exhibition. It might be advisable to change the title to Eagle Exhibition and Scientific Purposes. The regulation allows transport and possession for scientific research or public exhibition (or, presumably, both) but the permit seems to be issued only for public exhibition. Moreover, at least one region is requiring a museum to obtain a Part 21 scientific collecting permit in order to receive a bald eagle carcass from the Service, rather than obtaining it under the museum’s “Federal Eagle Exhibition” permit.

Some regions have issued Eagle Exhibition permits to museums with letters stating that the permits are of indefinite duration and specifying that no annual report is required. This practice makes sense as museums rarely acquire new eagle specimens. Museum holdings will rarely change unless a specimen is transferred to another institution. Others regions still require regular renewal and annual reports.

**Agency Response to Comment 2:** The commenter is correct that there is a single section of regulations at 50 CFR 22.21 that covers both eagle scientific collecting and eagle exhibition. However, the Service issues two different types of permits under those regulations, one for each of the two activities, which are actually quite distinct in practice. As such, we use two different application forms in order to obtain the different types of information appropriate to each activity. For museum collections, which are used for scientific study, the correct application form is one that is used for both eagle scientific collecting and for scientific collecting for other migratory birds, as the commenter notes (Form 3-200-7, “Migratory Bird and Eagle Scientific Collecting”). For museum exhibitions, which are public exhibits, the correct application form is Form 3-200-14 “Eagle Exhibition.” Because the Eagle Exhibition application form is not used for scientific collections, it does not include questions related to scientific collections. We appreciate these comments and will work with our regional permit offices to resolve the inconsistent approach to setting permit durations and requiring annual reports.

Recently, we have launched an online permits interface (to our legacy permits database being replaced by ePermits) to enable new applicants to submit the completed fillable PDF application form online, and complete payment online. Applicants are also able to submit

reports related to their permits through this online system. We are working to enable submission of both renewals and amendments of permits through this system in the near future. This is intended to be an interim step in streamlining our permit application process while we work on building a fully modernized permit system.

In addition to the *Federal Register* notice, we consulted with the nine (9) individuals identified in Table 8.1 who familiar with this collection of information in order to validate our time burden estimate and asked for comments on the questions below:

**Table 8.1**

<b>Organization</b>	<b>Title</b>
Univ. of Wyoming Museum of Vertebrates	Staff Curator and Collections Manager
Raptors of the Rockies	Executive Director
Clallam County Public Works	Environmental Coordinator
Audubon Center for Birds of Prey	Rehabilitation Supervisor
Alabama Dept. of Conservation	Natural Resources Planner – Asst. Manager
Newkirk Environmental	Consultant
American Eagle Research Institute	Biologist
East Bay Regional Park District	Wildlife Program Manager
N/A	Private citizen

***“Whether or not the collection of information is necessary, including whether or not the information will have practical utility; whether there are any questions they felt were unnecessary”***

Comments:

We feel that the application questions for permits to disturb eagles are relevant and necessary to receiving a permit, especially considering the regional biologists are not likely going to have individual knowledge or familiarity with specific subject nests.

We find it sometimes difficult and ultimately unnecessary to obtain original or electronic signatures. This is assuming that the referenced electronic signatures are intended to be created through the Adobe (.pdf) program.

I found the information requested on the eagle exhibition application form to be pertinent for deceased specimens to be displayed, except for question 10. This question could become a very lengthy answer due to the flexible nature of some facilities and various volunteers or employees; this question seems more applicable for live specimens rather than display/teaching.

The eagle exhibition form addresses both permit application and renewal, although I am unaware of anyone using this form for renewal. Question 4 covers quality/content of programming without providing any accountability in the process. As this information often changes with time, either this could be removed or accountability would require that it is updated routinely as programming and staff change.

Agency Response/Action Taken: The primary purpose of Question 4 of the Eagle Exhibition application form is to screen first-time applicants to ensure they understand the

conservation education purpose of the eagle exhibition permit (for example, their “educational” programs do not merely consist of launching eagles across football stadiums for entertainment during half time). As the commenter points out, while the form can be used for renewals, it is rarely used. We will consider adding a requirement that permittees wishing to renew their permits provide updated information about their programs.

With regard to the requirement to have original (or Adobe-created) signatures on applications, once the ability to apply electronically is widely available, signatures can be obtained by sharing documents over email. We agree the requirement in question 10 to list names of subpermittees is generally more important with respect to using live eagles in programs than dead specimens. For the latter, it is really only relevant to list parties who are responsible for the programs and those who conduct the programs offsite. We are modifying the first sentence to read: “Anyone who will **be responsible for** the permitted activities or acting as your agent must either have their own Federal migratory bird permit for the activity or be identified by you, in writing, as a sub-permittee under your permit.” (Bold italic added for emphasis.)

### ***“The accuracy of our estimate of the burden for this collection of information”***

#### Comments:

The application form for eagle incidental take (homeowner) was fairly straightforward. Total time spent on the application was approximately an hour.

The annual report for eagle incidental take (homeowner) was straight forward but the observing was a bit challenging since I don't physically live at that location yet (new home construction). I was able to get it done on the days I was there but it could be a challenge for those not living at the location in question.

We find on average that it takes approximately 25-30 hours to compile the information necessary to complete the required forms for an eagle incidental take permit (private sector). This time includes site assessments, client meetings, coordination with civil engineers regarding site plans, GIS mapping, survey coordination, preliminary discussions with local resource agencies and finalizing the complete application.

Regarding the eagle exhibition application, not knowing what to expect in terms of approval vs denial I spent roughly 3 hours compiling my answers under question 4, due to a deceased specimen I did not need to complete questions 5-9.

Agency Response/Action Taken: We appreciate the effort taken by the first commenter to carry out the required monitoring. Most applicants for disturbance permits are either developers or homeowners residing on the property, so the effort to monitor is less personally burdensome. We may tailor monitoring requirements for disturbance permits in the future to avoid unnecessary hardship on the part of private citizens residing at a different address than the location of potential disturbance.

We note the difference between the burden estimates provided by the two commenters with disturbance permits, one of whom is a consultant (25-30 hours) and one a homeowner (1 hour). It will usually take more time to apply for these permits for commercial activities because commercial projects are typically entail more factors to consider. Based on other

feedback we have received, we believe most homeowners will require more than an hour to put together a complete permit application, and many commercial applicants do not need to spend as much as 30 hours. That said, based on the feedback from these two commenters, we are reducing our hourly burden estimate for households from 12 to 6 hours and increasing the hourly burden for private sector applicants from 12 to 20 hours for hard copy applications. To apply electronically, we estimate these burdens as 5 hours for homeowners and 16 hours for private sector applicants.

***“Ways to enhance the quality, utility, and clarity of the information to be collected”***

*Comments:*

I feel the information to be collected on the eagle incidental take application and the report is vital to the health of the nest.

It is our opinion that these factors are adequate in the way the questions of the application are presented along with the accessible FAQ section. We do think that ultimately this application procedure will be enhanced by the ability to apply on-line, which has been advertised to be available in 2019.

Asking for a description of perching materials used on the eagle exhibition application form would be a benefit to the birds as opposed to asking about “netting materials” since bird’s feet are vulnerable, especially in captivity.

Perhaps questions 6-8 on the eagle exhibition application form could be replaced by referencing the requirement to meet specific standards. The requests for diet, food source and enrichment information seem to be to establish knowledge base of curator. These are minimal when considering the knowledge base needed for appropriate bird management, which is indirectly covered by experience requirements. Could expand this section to include information on training and other handling techniques, but more likely this accountability should be covered in another manner such as an exam or certificate – or presumed based on adequate experience with an approved mentor/facility.

It would be helpful to include identifier information for individual birds on the eagle exhibition report form (3-202-13)

*Agency Response/Action Taken:* We agree there may be utility in asking for identifier information for specific eagles and are taking this comment under consideration. Our primary goals with regard to the information we seek on permit applications are to ensure eagles will be safely and humanely held under the permit and used for the purpose of the permit, which is conservation education. Our intent is design permit applications to require all and only the information we need to discern those goals are met. While we respect and value the experience and expertise of some of our permittees, we are not experts ourselves in all the activities that our permits authorize and for that reason do not want to be in the business of administering exams.

We are currently in the final testing phase of our electronic forms capacity. We expect to make the electronic application process available to all by the first quarter of fiscal year 2021. With regard to the comment about perching materials rather than netting materials on the eagle exhibition application form, we believe both are important the question does ask about both.

***“Ways to minimize the burden of the collection of information on respondents”***

Comments:

I feel all the information requested for an eagle incidental take permit is vital and the time it took did not seem unreasonable....other than my personal challenge of showing the location of the nest in relationship to the property....maybe a suggestion on how best to do this on the application...it would have saved me some time.

As a matter of course towards receiving an eagle incidental take permit, we believe that the burden of data collection is relatively minimal.

For eagle exhibition permits, honestly, programs *should* jump through these hoops if they want live or dead specimens. If the collection of this data does not place a hardship on the FWS, I have no objection to the extent of questions asked.

An electronic form would be great for reporting. With an identifier, it would allow tracking of trends and information analysis.

Agency Response/Action Taken: Fillable PDF forms in this collection are currently available to applicants to be submitted in a few different manners. PDF forms are available on our forms and permits website (<https://www.fws.gov/forms>), by mail, or by fax. Applicants may complete the fillable application online, but must email the application to the regional office, or print and submit the application form with an electronic or original signature and submit the applicable processing fee by mail. Applicants may send supporting information by email or fax, if we already have their application and they are able to reference an application number.

In response to the first comment, we have added a suggestion for how to determine the location of a nest on the property.

***Additional comments received during the outreach:***

Comments:

I was concerned about the application saying "eagle take". I know home construction that may disturb eagle falls into this category but it might be nice to have it in its own category. I spent a fair amount of time looking other places because in my mind I had no intentions of "eagle take."

Permit application fee checks are often not cashed for a year, which is a problem for reconciling our bank account.

It can be difficult to locate a live eagle for education before getting the permit, perhaps there could be flexibility in the order of things?

Agency Response/Action Taken: With regard about confusion when looking for the application form for incidental take in the form of disturbance, we will modify our webpage to add "disturbance" to the link to the permit application. The FAQs for the application do



clearly state it is used to apply for permits for disturbance. We are also changing the header of the application form (3-300-71) to say: Eagle Incidental Take” rather than “Eagle Take.”

We regret the inconvenience caused by application processing fees sometimes being cashed so late. This is because we do not submit these checks for deposit until we are actively processing the application (because of the difficulty entailed in refunding moneys when applications are withdrawn) and because our offices are understaffed, we are not able to process applications as quickly as would be ideal. Note that we do accept money orders in lieu of checks.

In response to the comment regarding flexibility to obtain an eagle exhibition permit prior to identifying the particular eagle(s) that will be authorized under the permit, there is sometimes flexibility regarding doing things in this order. There is no regulation requiring in which order these two things must occur; it is a matter of what has been customary in the past, but we have and do make exceptions where appropriate.

Despite multiple attempts to solicit feedback via email and phone calls, we did not receive a response from four individuals we contacted to request their feedback.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

We do not provide any payment or gifts to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

We do not provide any assurance of confidentiality. Information is collected and protected in accordance with the Privacy Act (5 U.S.C. § 552a) and the Freedom of Information Act (5 U.S.C. 552). We will maintain the information in a secure System of Records (Permits System–Interior, FWS–21, September 4, 2003, 68 FR 52610; modification published June 4, 2008, [73 FR 31877](#)).

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

We do not ask questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- \* **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity,**

**show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

- \* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- \* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.**

We estimate that we will receive **4,318 responses** totaling **25,894 annual burden hours** for this information collection (see Attachment A). The total dollar value of the annual burden hours is approximately **\$2,480,162** (rounded) (see Attachment A). To more accurately reflect annualized cost burden for this information collection, Attachment A reflects two (2) different rates explained as follows:

#### **(1) Nationwide ICs Using General BLS Statistical Data**

We used table 1 from the of Bureau of Labor Statistics (BLS) News Release [USDL-19-2195](#), June 18, 2019, Employer Costs for Employee Compensation— March 2019, to calculate the total annual burden.

- Individuals – the hourly rate for all workers is \$37.03, including benefits.
- Private Sector – the hourly rate for all workers is \$34.77, including benefits.
- Government – the hourly rate for all workers is \$51.66, including benefits.

#### **(2) Specialized ICs Related to Management, Scientific, and Technical Consultants in the Oil and Gas Industry**

The cost burden associated with certain activities are often conducted using contracted services does not fit well within the hourly rates published by the BLS. The cost of these services can vary widely depending on size of the consulting company, the seniority of the persons providing the services, and the reputation of the consulting firm. In general, individuals contracting for these services select a smaller company with less experienced personnel as opposed to a large company that selects a renowned consulting firm employing senior scientists with decades of experience. As a cost comparison basis, we determined consulting rates offered to the federal government through GSA indicate a range of \$35 to \$150 per hour. Accordingly, we used BLS May 2019 National Industry-Specific Occupational Employment and Wage Estimates for NAICS Code [211100, "Oil and Gas Extraction"](#) which lists a median hourly wage of \$84.03 (11-1021, General and Operations Managers). To account for benefits, we used 45% as an average overhead rate for contracted work, resulting in a fully burdened hourly rate for consultants of **\$121.84** (rounded).

**13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)**

- \* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and**

**disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

- \* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- \* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

We estimate the nonhour cost burden to respondents for this information collection to be **\$1,369,200** (Attachment A). These costs are primarily for application processing fees, which range from \$0 to \$36,000. Substantive amendments to certain permit types cost from \$50 for rehabilitation permits to \$500 for amendments to eagle nest and short-term eagle take permits. There are no processing fees for reports. Federal, Tribal, State, and local government agencies and those acting on their behalf are exempt from processing fees. When there is more than one applicable fee, such as for a combined permit authorizing two distinct activities that each have their own permit types and fees, we have used the higher permit application processing fee to calculate costs.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

We estimate the total cost to the Federal Government to administer this information collection will be **\$1,289,178** (rounded) (see Attachment A).

Service biologists (GS-11/13) and permit examiners (GS-9/12), with support of GS-7 staff, will:

- Review and determine the adequacy of the information an applicant provides.
- Conduct any internal research necessary to verify information in the application or evaluate the biological impact of the proposed activity.
- Assess the biological impact of the proposed activity on the bald or golden eagle.
- Evaluate whether the proposed activity meets the issuance criteria.
- Prepare or review NEPA documentation.
- Prepare either a permit or a denial letter for the applicant.
- When necessary to evaluate the impact of the proposed activity, visit the location

- to examine site-specific conditions.
- Monitor reports.

The Service processes permits in our eight Regional Offices, which are located in major cities across the United States. Therefore, we used Office of Personnel Management Salary Table [2020-DCB](#) to obtain the most up-to-date hourly rates for staff. We used News Release [USDL-19-2195](#), June 18, 2019, Employer Costs for Employee Compensation—March 2019, to calculate the fully burdened rates for each staff member. The table below shows Federal staff and grade levels performing various tasks associated with this information collection.

Position/Grade	2020 Hourly Rate	Hourly Rate, Incl. Benefits (x1.59 multiplier)	Time Spent on Information Collection	Weighted Average (\$/Hour)
Clerical – Receptionist, Office Asst. (GS-07/05)	\$ 26.43	\$ 42.02	5%	\$ 2.10
Legal documents examiner – Permit Examiner (GS-09/05)	32.33	51.40	30%	15.42
Legal documents examiner - Permit Examiner (GS-11/05)	39.12	62.20	30%	18.66
Biologist (GS-11/05)	39.12	62.20	10%	6.22
Supervisor – Permit Chief (GS-12/05)	46.88	74.54	20%	14.91
Management - Branch/Division Chief, Solicitor (GS-13/05)	55.75	88.64	5%	4.43
<b>Weighted Average (\$/hr):</b>				<b>\$ 61.74</b>

**15. Explain the reasons for any program changes or adjustments in hour or cost burden.**

OMB previously approved all information collection requirements associated with the migratory birds and eagles under OMB Control No. 1018-0022, “Federal Fish and Wildlife Permit Applications and Reports—Migratory Birds; 50 CFR 10, 13, 20, 21.” We request approval to reinstate OMB Control No. 1018-0167, “Eagle Take Permits and Fees, 50 CFR 22” in order to transfer all requirements associated with eagles back into that collection. Separation of eagle requirements from migratory bird requirements will reduce confusion and burden on the public. We will submit this reinstatement request concurrently with the revision to 1018-0022.

For all the application and report forms that will now be available online, we first split the total number of respondents in half and used that number for each (hard copy and online) entry for that type of form.

We adjusted the number of respondents for several permit types by decreasing the number based on queries to our permits database for the number of permits issued per year in the past year. These include short-term eagle incidental take applications, amendments, and reports; and long-term eagle incidental take permit amendments. We also reduced the number of respondents for preconstruction survey requirements for long-term eagle incidental take permits because the majority of applicants for these types of permits are operational and preconstruction survey requirements are waived for these applicants.

We increased the hourly burden for Native American eagle take permit applications (3-200-77) from 2.25 hours to 10 hours, and for Native American eagle aviary applications (3-200-78) from five to 20 hours. The previous estimates did not adequately reflect the degree of coordination involved prior to submitting these applications. Although our hourly burden estimates increased for these two permit applications, the actual hourly burden will decrease because we removed

several entries and questions from each. Most Service application forms have an identical first page that is generic enough to apply in a variety of situations. On both the Native American eagle take application and the Native American eagle aviary application, however, we streamlined the first page to omit entries that are not applicable to tribes. Both forms also no longer require the applicant to include a Certification of Enrollment in a Federally Recognized Tribe signed by a tribal official attesting that the applicant is a member of the tribe. The reason for removing this requirement is that both these permit types are issued to the tribe itself rather than to an individual tribal member, and the Tribal Governor or other tribal leader is the principal officer named on the permit. Along the same lines, the question as to whether the applicant has ever been assessed a civil penalty, convicted of a criminal provision, or had a permit revoked, which is a generic question on most of the Service's permit applications, has been removed from the eagle take application, 3-200-77. That question already was not included in the aviary application, 3-200-78.

We modified the hourly burden estimates for short-term eagle incidental take permit applications as described under item 8, above, based on comments received.

We increased the burden hours for completing an application for a long-term eagle incidental take permit because it now includes the necessary elements that had been attributed to the requirement to submit an Eagle Conservation Plan (ECP). We have removed the separate entry for ECPs because ECPs are not required. The concept of an ECP was intended to assist applicants in understanding the steps necessary for gathering the information needed for a complete application. Unfortunately, the ECP concept has been embellished to the point of becoming an inflated cost burden for the applicant and hourly burden for the Service as consultants often submit far more information in ECPs than the Service needs or have time to parse. Essential elements of the information collection formerly associated with ECPs have been incorporated in to the hourly burden for application for a long-term eagle incidental take permit.

Based on analyses of the average hourly burdens that can be expected for monitoring related to long-term eagle incidental take permits we have decreased the hourly burden for both (1) the preconstruction surveys required for some applicants and (2) the fatality monitoring required of permittees. We used the USGS wind turbine database to calculate mean area and mean number of wind turbines of existing wind energy projects in the United States. We arrived at an average of 62 turbines per project. For the preconstruction surveys, a 62-turbine project requires seven survey plots to get a minimum 30% sampling coverage. If each of the seven survey plots is surveyed for one hour once a month, the time spent actually surveying amounts to 84 hours. We then rounded up to account for on-site travel between survey plots to arrive at an annual hourly burden of 100 hours. We did not account for travel to the project site and back to home base because of the uncertainty and variability for each project.

For the eagle fatality monitoring burden, we used the average project size of 62 turbines and assumed that an average project could fall within any of three different carcass visibility classes - easy visibility, moderate visibility, and difficult visibility. We selected a single monitoring method we consider to be among the most efficient and appropriate to achieve a 5-year probability of detection (g-value) of 0.40 in each visibility class. We then estimated the 5-year hourly burden for each carcass search method, assuming that operations staff would be looking for carcasses on the roads and pads in "off" years and would achieve a g-value of 0.12 in those years with no measurable extra hours of work. We added estimated hourly burdens for searcher efficiency and carcass persistence trials to the 5-year total and divided by five to get an hourly

burden estimate of 228 hours per year. Our estimate includes time necessary to travel onsite, but does not include time outside of the onsite work, such as a consultant's travel to the project locality, which is likely highly variable and beyond the scope of this exercise.

**Note:** For projects in areas of relatively low eagle exposure where fatality monitoring should achieve a g-value of 0.25 rather than 0.40, the average annual hourly burden estimate is 113 hours.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

We do not publish the results of these information collections.

**17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

We will display the OMB control number and expiration date.

**18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."**

There are no exceptions to the certification statement.